

The Honorable Jamal N. Whitehead

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff

v.

ABHINAV KUMAR,
Defendant.

NO. 2:24-CR-41

PROTECTIVE ORDER

This matter, having come to the Court's attention on the Stipulation for Entry of a Discovery Protective Order submitted by the United States of America and Defendant Abhinav Kumar, and the Court, having considered the stipulated motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. Protected Material

The following are deemed Protected Material: the child forensic video interview of alleged Minor Victim 1 and the photographs of alleged Minor Victim 1 taken on February 18, 2024. The United States will make available copies of the Protected Material, including those filed under seal, to defense counsel to comply with the government's discovery obligations. Possession of copies of the Protected Material is

1 limited to the attorneys of record, and investigators, paralegals, law clerks, experts, and
2 assistants for the attorney of record (hereinafter collectively referred to as members of the
3 defense team).

4 2. Scope of Review of Protected Material

5 Defense attorney of record and members of the defense team may display and
6 review the Protected Material with the Defendant. Defense attorney of record and
7 members of the defense team may share a transcript of the child forensic video interview
8 of alleged Minor Victim 1 with the Defendant and the Defendant is permitted to have a
9 copy of the transcribed interview in his possession. Specifically, a transcript of the video
10 interview of alleged Minor Victim 1 is not considered protected material. The attorneys
11 of record and members of the defense team acknowledge that providing native copies of
12 the video interview of alleged Minor Victim 1 and the photographs of alleged Minor
13 Victim 1, being the Protected Material, to the Defendant and other persons is prohibited,
14 and agree not to duplicate or provide copies of the Protected Material to the Defendant
15 and other persons. The government is required to label all Protected Material as
16 “PROTECTED MATERIAL” in the discovery log that is sent to the defense.

17 3. Consent to Terms of Protective Order

18 The attorney of record for the Defendant is required, prior to disseminating any
19 copies of the Protected Material to permitted recipients, such as other members of the
20 defense team, to provide a copy of this Protective Order to those permitted recipients, and
21 to obtain the written consent by those recipients of the terms and conditions of this
22 Protective Order. Such written consent shall not, however, be required with respect to
23 members of the defense team who are employed by the same office as the attorneys of
24 record; in such case, it shall be sufficient for the attorneys of record to provide a copy of
25 this Protective Order to such other members of the defense team and to remind them of
26 their obligations under the Order. The written consent need not be disclosed or produced
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1 to the United States unless requested by the United States Attorney's Office for the
2 Western District of Washington and ordered by the Court.

3 4. Parties' Reciprocal Discovery Obligations

4 Nothing in this order should be construed as imposing any discovery obligations
5 on the government or the defendant that are different from those imposed by case law and
6 Rule 16 of the Federal Rules of Criminal Procedure, and the Local Criminal Rules.

7 5. Filing of Protected Material

8 Any Protected Material that is filed with the Court in connection with pre-trial
9 motions, trial, sentencing, or other matter before this Court, shall be filed under seal and
10 shall remain sealed until otherwise ordered by this Court. This does not entitle either
11 party to seal their filings as a matter of course. The parties are required to comply in all
12 respects to the relevant local and federal rules of criminal procedure pertaining to the
13 sealing of court documents.

14 6. Nontermination

15 The provisions of this Order shall not terminate at the conclusion of this
16 prosecution. The provisions of this Order shall terminate only by court order.

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1 7. Violation of Protective Order

2 The defendant is on notice that should he violate the terms of this protection order,
3 the United States reserves the right to seek appropriate relief from the Court.
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5 DATED this 1st day of April, 2024.
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10 Jamal N. Whitehead
11 United States District Judge
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13 Presented by:

14 s/ Jin U. Kim

15 Jin U. Kim

16 Assistant United States Attorney

17 s/ Jesse G. Cantor

18 Jesse G. Cantor

19 Attorney for Defendant
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